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In the Supreme Court of the United States

OCTOBER TERM 1925.

WILLIAM A. RHEA, PETITIONER,

VS.

THOMAS C. SMITH, RESPONDENT.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF MISSOURI.

(31,409.)

BRIEF FOR PETITIONER.

THOMAS HACKNEY,
Counsel for Petitioner.

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Argument—

I. Missouri statutes governing judgment liens. Federal statutes governing judgment liens. Mo. Circuit Court is court of general jurisdiction. Mo.

Constitution and decisions so holding. Mo. statute gives lien from date of rendition. Federal statute confers same lien 9

II. Missouri legislature had no power by Sec. 1554 to nullify or restrict lien of federal judgment conferred by Act of Congress. Legislature had no power to fix different basis or standard of federal judgment lien from that fixed by Congress. Legislature amended wrong section. Power of legislature considered. Three state courts of record in each county. Effect of majority opinion to put federal judgments on equality with no court in county except justice of the peace 15

III. Repeal of Section 3 of Act Aug. 1, 1888, did not destroy equality of liens of federal and state judgments conferred by Section 1. Legislative history of Section 3. Diversity of state statutes respecting judgment liens. Section 3 put federal judgments ahead of state judgments in majority of states. Its repeal put them on equality under Sec. 1. No conflict in Missouri before repeal of Sec. 3. Equality continued after repeal 24

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